

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4330 of 2005

Between:

J. Bhavani W/o. Satyanarayana
R/o. Mubarasapur Village, Dowlatabad Mandal, Medak District.

..... PETITIONER

AND

- 1 The Commissioner, Panchayat Raj Department,
Government of A.P. at Hyderabad.
- 2 The District Collector, Medak District, Sanga Reddy.
- 3 District Panchayat Raj Officer, Panchayatraj Department,
Medak District, Sanga Reddy.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to a Writ or any appropriate writ or writs or direction/s more particularly in the nature of writ of Mandamus declaring the action of the respondent No 1 in not entertaining the stay application in appeal NO 2691/D1/CPR & RE of 2005 filed by the petitioner as illegal, arbitrary and consequently direct the respondent No 1 to direct the appeal.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

**Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL
DEV.**

The Court at the stage of admission made the following :

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO. 4330 OF 2005

ORDER:

The petitioner is the elected Sarpanch of Mubarspur village, Dowlatabad Mandal, Medak District. By an order, dated 05.02.2005, passed by the second respondent- District Collector, Medak District, Sanga Reddy, under Section 249(1) of the Panchayat Raj Act, 1994 (for short "the Act"), the petitioner was removed from the office. Aggrieved by the same, the petitioner preferred an appeal vide Appeal No. 2691/D1/CPR & RE OF 2005 before the first respondent-Commissioner, Panchayat Raj Department together with an application seeking stay of order of removal, dated 05.02.2005. However, the first respondent failed to consider the same so far. The petitioner pleads that in the meanwhile steps are being taken to implement the impugned order of removal, dated 05.02.2005. Hence this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development, appearing for the respondents, and keeping in view the fact that the statutory appeal is pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay filed by the petitioner in the appeal preferred against the order of the second respondent dated 05.02.2005, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. It is made clear that till such time the order of removal dated 05.02.2005 shall not be given effect to.

With the above directions, the writ petition is disposed of. No costs.

07.03.2005

Note : Issue operative portion by wire

(B/O)

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To

- 1 The Commissioner, Panchayat Raj Department,
Government of A.P. at Hyderabad.
- 2 The District Collector, Medak District, Sanga Reddy.
- 3 District Panchayat Raj Officer, Panchayatraj Department,
Medak District, Sanga Reddy.
- 4 Two C.Cs to the G.P. for Panchayat Raj and Rural
Development, High Court Buildings, Hyderabad (OUT).
- 5 2 CD copies